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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,451	07/15/2005	Hubert Euvrard	MICROM19	2638

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Gary M Cohen
Strafford Building Number Three
Suite 300
125 Strafford Avenue
Wayne, PA 19087-3318

EXAMINER

PATEL, YOGESH P

ART UNIT	PAPER NUMBER
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4111

MAIL DATE	DELIVERY MODE
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11/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/542,451	Applicant(s) EUVRARD ET AL.	
	Examiner YOGESH P. PATEL	Art Unit 4111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-18 is/are pending in the application.
- 4a) Of the above claim(s) 16-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/12/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Specie I in the reply filed on 10/04/2007 is acknowledged. Claims 16-18 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected specie, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/04/2007.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. **The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.** The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because legal phraseology "means" and "said" is used multiple times. Correction is required. See MPEP § 608.01(b).

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first rotary drive,

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second rotary drive, pinion, drive pinion, profile of first and second rotary drive, retention member and bottom portion of the drive pinion must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Makris (Pat. 5,941,705).

Makris teaches a head 10 (fig. 1) for use with a handpiece of a contra-angle, and a dental instrument 12 adapted for use with the head; wherein the instrument has an active part 41 at a first end, and a handle (e.g. 47 or 48 central portion or base) at a second end of the instrument opposite to the first end; wherein the head has a body for receiving a drive shaft (e.g. via bore 21) for transmitting rotational movement produced by a mechanical member (e.g. drive shaft 24) associated with the handpiece, and a bore forming a housing 25 for receiving the handle of the instrument 12; wherein the handle of the instrument includes a first rotary drive 44 which, when mounted in the housing (e.g. via pin 94), is capable of meshing with a second rotary drive associated with the body of the head (see abstract); wherein the first rotary drive is capable of retractable axial retention in the housing, independently of the second rotary drive (col. 3, lines 57-64); wherein the first rotary drive has a direction of rotation, the second rotary drive has a direction of rotation (col. 6, lines 32-38), and the direction of rotation of the first rotary drive is the same as the direction of rotation of the second rotary drive since both of them rotates in a clock-wise direction. The first rotary drive also includes a pinion 44 capable of engaging a drive pinion 26 when located inside the body of the head, in the vicinity of the housing, and which is mounted on the shaft (fig. 1) for transmitting the rotational movement produced by the mechanical member to the instrument (col. 6, lines 32-38), for causing rotational movement of the instrument;

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wherein the pinion of the first rotary drive has a profile 44 (e.g. teeth), the second rotary drive includes a drive pinion having a profile 27 (e.g. teeth), and the profile of the pinion of the first rotary drive meshes with the profile of the drive pinion of the second rotary drive when the instrument is placed in the housing (col. 3, lines 31-39). The pinion of the first rotary drive and the drive pinion of the second rotary drive come into contact at bottom portions of the drive pinion of the second rotary drive (e.g. the bottom portion of the drive pinion of the second rotary drive is the teeth portion); wherein the head is shaped to receive the instrument by placing the head on the handle of the instrument (fig. 3); and wherein the head further includes a retractable retainer for engaging the handle of the instrument responsive to manual operation (col. 6, lines 53-59).

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makris as applied to claim 11 above, and further in view of Riitano et al. (Pat. 3,961,422).

Makris teaches the invention in claim 11 above, but fails to teach the instrument includes a shoulder. However Riitano teaches the instrument includes a shoulder 1 (e.g. disc). It would have been obvious to someone of ordinary skill in the art at the time of the invention made to provide a shoulder (e.g. disc) of Riitano to the invention of Makris to stop for limiting the depth of penetration, boring and drilling of an instrument usable in an endodontic operation (see abstract and background of the invention).

Allowable Subject Matter

8. Claims 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of

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the base claim and any intervening claims. Prior art (e.g. Makris et al.) fails to teach the retractable retainer includes a retention member which projects across the opening of the housing, and a ring coupled with the retention member and movable relative to the body of the head, against a restoring spring mounted concentrically on the body of the head.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH P. PATEL whose telephone number is 5712703646. The examiner can normally be reached on Monday to Thursday about 8 AM- 5 PM Eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Yao can be reached on 5712721224. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Yogesh Patel
Patent Examiner
AU: 4111

/Sam Chuan C. Yao/

Supervisory Patent Examiner, Art Unit 4111